

IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF OKLAHOMA

JOHN THOMAS SAKREKOV,)
)
Plaintiff,)
)
vs.) No. CIV-12-130-W
)
MARGARET GRISMER et al.,)
)
Defendants.)

ORDER

On January 14, 2013, United States Magistrate Judge Gary M. Purcell issued a Report and Recommendation in this matter and made various recommendations with regard to motions filed by the defendants. Plaintiff John Thomas Sakrekov, proceeding pro se, was advised of his right to object, see Doc. 43 at 11, but no objections to the Report and Recommendation have been filed within the allotted time.

Upon review of the record, the Court concurs with Magistrate Judge Purcell's findings with regard to Sakrekov's claims that his rights under eighth amendment to the United States Constitution have been violated and with Magistrate Judge Purcell's suggested disposition of the defendants' motions.

Accordingly, the Court

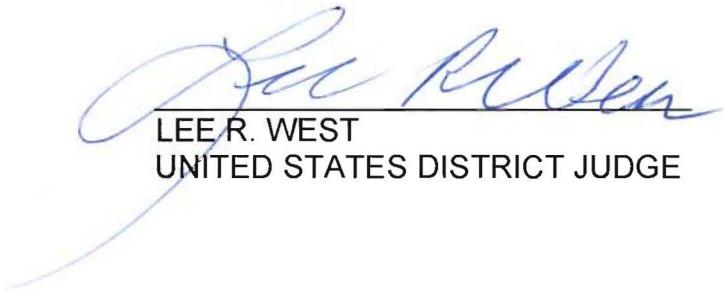
- (1) ADOPTS the Report and Recommendation [Doc. 43] filed on January 14, 2013;
- (2) GRANTS the Motion to Dismiss [Doc. 35] filed on November 26, 2012, by defendants Spencer Zeavin, M.D., and Kristin Racz, which Magistrate Judge Purcell and the Court have construed as a Motion for Summary Judgment seeking relief under Rule

56, F.R.Civ.P., and ORDERS that judgment issue in favor of Zeavin and Racz and against Sakrekov;

(3) GRANTS the Motion to Dismiss [Doc. 36] filed on November 26, 2012, by defendants Captain Margaret Grismer and Lieutenant Katherine Demers (identified in the amended complaint as "K. Dermers") and DISMISSES Sakrekov's claims against Grismer and Demers with prejudice since these two defendants, as commissioned officers of the Public Health Service, are absolutely immune from liability, e.g., Hui v. Castaneda, 130 S. Ct. 1845, 1851 (2010); 42 U.S.C. § 233a; and

(4) deems MOOT Sakrekov's Motion to Order Halfway House to Stop Opening Legal Mail [Doc. 42] file-stamped January 9, 2013, since neither Daryl Bailey nor City of Faith is a party to this action.

ENTERED this 20th day of February, 2013.



LEE R. WEST
UNITED STATES DISTRICT JUDGE